

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(MBHB Docket No. 06-361)

In re the Application of:)	
)	
Naicker, et al.)	
)	Group Art Unit: 3714
Serial No.: 10/579,806)	
)	Examiner: TBA
Filed: May 16, 2006)	
)	Confirmation No. 3623
For: System For Playing A)	
Bingo-Type Game)	

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW IMPROPER HOLDING OF ABANDONMENT

Pursuant to 37 C.F.R. §1.181(a), Applicant respectfully requests the United States Patent and Trademark Office ("USPTO") to withdraw the holding of abandonment that was improperly set forth in the Notice of Abandonment mailed June 24, 2008. In support of this Petition, Applicant states as follows:

1. Background

On August 7, 2007, Applicant filed a Petition Under 37 C.F.R. § 1.47(a), described hereinafter as "Petition." On October 1, 2007, the Office of PCT Legal Administration issued a Decision (the "First Decision") that dismissed the Petition. A true copy of the First Decision is attached as Exhibit A. The First Decision also indicated that Applicant could request reconsideration on the merits by filing a "Renewed Petition Under 37 CFR 1.47(a)" within two months. *See* Exhibit A, page 3.

Applicant did just that by filing a Renewed Petition Under 37 C.F.R. 1.47(a), described hereinafter as the “Renewed Petition,” on November 30, 2007. A true copy of the Renewed Petition is attached as Exhibit B. A true copy of the USPTO’s Acknowledgement Receipt of Applicant’s electronic filing of the Renewed Petition is attached as Exhibit C.

On January 7, 2008, the Office of PCT Legal Administration issued a Decision (the “Second Decision”) that granted the Renewed Petition. A true copy of the Second Decision is attached as Exhibit D.

On June 24, 2008, the Office of Data Management issued a Notice of Abandonment (the “Notice”). A true copy of the Notice is attached as Exhibit E. The Notice states, *inter alia*, that “[t]he above-identified application is abandoned for failure to timely reply to the Decision on Petition mailed on .” No mailing date of the “Decision on Petition” is given in the Notice. However, Applicant understands the Notice to be referring to the First Decision, as the Second Decision granted the Renewed Petition and no reply was required.

2. Argument

The Acknowledgement Receipt (Exhibit C), like a post card, is *prima facie* evidence of the USPTO’s receipt of the Renewed Petition on November 30, 2007. *See* MPEP § 503. As well, the USPTO’s PAIR system indicates that the Renewed Petition was filed on November 30, 2007, and the Second Decision itself refers to the Renewed Petition filed on November 30, 2007. *See* Exhibit D, page 1. Thus, there is no question that Applicant filed a reply to the First Decision in a timely manner (i.e., within two

months of the mailing date of the First Decision). The holding of abandonment set forth in the Notice is clearly improper.

Accordingly, Applicant respectfully requests the USPTO to withdraw the holding of abandonment set forth in the Notice and to provide Applicant with written notice that the holding of abandonment has been withdrawn.

Respectfully submitted,

Date: August 15, 2008

By: Richard A. Machonkin
Richard A. Machonkin
Reg. No. 41,962
McDonnell Boehnen Hulbert and Berghoff LLP
300 South Wacker Dr.
Chicago, Illinois 60606
Telephone: 312-913-0001
Facsimile: 312-913-0002

EXHIBIT A



01 OCT 2007

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application of	:	
Naicker et al.	:	
Application No.: 10/579,806	:	DECISION
PCT No.: PCT/IB04/04060	:	
Int. Filing Date: 10 December 2004	:	ON
Priority Date: 10 December 2003	:	
Attorney Docket No.: 06-361	:	PETITION
For: System For Playing A Bingo-Type Game	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 07 August 2007.

BACKGROUND

This international application was filed on 10 December 2004, claimed an earlier priority date of 10 December 2003, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 23 June 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 10 June 2006. Applicants filed *inter alia* the basic national fee on 16 May 2006.

On 10 January 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Petitioner alleges that joint inventor Devan Govender has refused to execute the application. A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, petitioner has paid the \$200.00 petition fee.

Regarding **requirement (2)**, counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an

application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The evidence presented tends to suggest that Mr. Govender may have refused to execute a declaration document after having been presented with the declaration and a copy of the application. However, while the various email communications appear to have been carried out by Ms. Tracey Clarke, petitioner has not provided a statement from her introducing the email evidence and attesting to the facts surrounding those communications, especially Exhibit G.

Regarding **requirement (3)**, the petition includes a statement of two last known addresses for Devan Govender. However, it appears that one of the addresses may be his permanent address and the other a temporary or holiday address. Insofar that the last-known address is used for purposes of providing notice of the filing to the non-signing inventor upon the grant of status under 37 CFR 1.47(a), a temporary address is inappropriate. Petitioner should clarify which address is in fact Mr. Govender's last-known permanent address.

Regarding **requirement (4)**, the declaration of inventorship filed on 07 August 2007 is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). Requirement (4) thereby has been satisfied.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(MBHB Docket No. 06-361)

In re the Application of:)	
)	
Naicker, et al.)	
)	Group Art Unit: 3713
Serial No.: 10/579,806)	
)	Examiner: TBA
Filed: May 16, 2006)	
)	Confirmation No. 3623
For: System For Playing A)	
Bingo-Type Game)	

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Office of PCT Legal Administration

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

This is a Renewed Petition pursuant to 37 C.F.R. §1.47(a), in which Applicant respectfully requests the U.S. Patent and Trademark Office to allow the signing inventors, Theo Naicker, Tony Yunnice, and Jon Hutchings, to make this application on behalf of themselves and the nonsigning inventor, Devan Govender, who refuses to join in the above-identified application for patent.

By way of background, Applicant filed an original "Petition Under 37 C.F.R. §1.47(a)" on August 7, 2007. In a Decision mailed October 1, 2007, the PCT Legal Examiner dismissed that Petition. The Decision identified four requirements for a petition under 37 C.F.R. §1.47(a) and confirmed that requirements (1) and (4) had been satisfied. However, the Decision indicated that additional information was required in

order to satisfy requirements (2) and (3). The Decision also suggested that Applicant could request reconsideration by filing a Renewed Petition.

In this Renewed Petition, Applicant provides the additional information that the Decision indicated was needed to satisfy requirements (2) and (3). With respect to requirement (2), the Decision noted that the evidence presented tends to suggest that Mr. Govender may have refused to execute a declaration document after having been presented with the declaration and a copy of the application. However, the original Petition did not provide a statement from Ms. Tracey Clarke introducing the email evidence and attesting to the facts surrounding those communications. With this Renewed Petition, Applicant submits the Declaration of Tracey Clarke in order to introduce the email evidence previously submitted as Exhibits C-G to Mr. Verardi's Declaration and to attest to the facts surrounding those communications.

With respect to requirement (3), the Decision asked Applicant to clarify which address given for Mr. Govender is his last-known permanent address. In response, Applicant states that the last-known permanent address of Mr. Govender is the following:
1 Aqua Marina, 1 Marine Drive, Umdloti 4350, South Africa.

Applicant submits that with the information provided with this Renewed Petition all requirements for a petition under 37 CFR § 1.47(a) have now been satisfied, and notice to that effect is respectfully requested.

Respectfully submitted,

Date: November 30, 2007

By: Richard A. Machonkin
Richard A. Machonkin
Reg. No. 41,962
McDonnell Boehnen Hulbert and Berghoff LLP
300 South Wacker Dr.

Chicago, Illinois 60606
Telephone: 312-913-0001
Facsimile: 312-913-0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of:)	
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Naicker, et al.)	
)	Group Art Unit: 3713
Serial No.: 10/579,806)	
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Filed: May 16, 2006)	
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For: System For Playing A)	
Bingo-Type Game)	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF TRACEY CLARKE

In support of the Renewed Petition under 37 C.F.R. §1.47(a) to allow the signing inventors, Theo Naicker, Tony Yunnice, and Jon Hutchings, to make this application on behalf of themselves and the nonsigning inventor, Devan Govender, who refuses to join in the above-identified application for patent, I, Tracey Clarke, hereby declare as follows:

1. I am Mr. Verardi's assistant at the law firm of Novellie Verardi & Mitchell, which is located at MGS House, Circular Road, Douglas, Isle of Man, British Isles, IM1 1BL. I have personal knowledge of the following facts, and if called to testify, I would and could testify competently to the matters set forth herein.

2. I have reviewed Mr. Verardi's Declaration and Exhibits A-G thereto. I have personal knowledge regarding Exhibits C-G to Mr. Verardi's Declaration, as set forth in the following paragraphs 3 through 7.

TCC.

3. On July 30, 2007, I sent Mr. Govender an e-mail message that attached a Declaration for his signature. A redacted copy of that e-mail message, and the Declaration it attached, is attached as Exhibit C to Mr. Verardi's Declaration.

4. On August 1, 2007, I sent Mr. Govender an e-mail message with a revised Declaration to include his personal address in South Africa. A redacted copy of that e-mail message, and the revised Declaration it attached, is attached as Exhibit D to Mr. Verardi's Declaration.

5. I subsequently received an e-mail message from Mr. Govender, in which he stated: "I refuse to sign these documents." A copy of that e-mail message is attached as Exhibit E to Mr. Verardi's Declaration.

6. On August 3, 2007, I e-mailed a copy of the specification filed in the United States, a Declaration, and Assignment to Mr. Govender. My e-mail message asked Mr. Govender to: "Please sign the two documents and return them to me as a matter of urgency." A copy of that e-mail message with its attachments is attached as Exhibit F to Mr. Verardi's Declaration.

7. Later that day, I received an e-mail message from Mr. Govender that responded to my e-mail message. Mr. Govender's message stated: "As previously discussed with Frank Verardi, I refuse to sign these documents." A copy of that e-mail message is attached as Exhibit G to Mr. Verardi's Declaration.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

TLC

of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 29th November, 2007

By: 
Tracey Clarke

EXHIBIT C

Electronic Acknowledgement Receipt	
EFS ID:	2531280
Application Number:	10579806
International Application Number:	
Confirmation Number:	3623
Title of Invention:	System for playing a bingo-type game
First Named Inventor/Applicant Name:	Theo Naicker
Customer Number:	20306
Filer:	Richard A Machonkin
Filer Authorized By:	
Attorney Docket Number:	06-361
Receipt Date:	30-NOV-2007
Filing Date:	
Time Stamp:	14:51:27
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition for review by the Office of Petitions.	06-361_Renewed_Petition.pdf	311333	no	6
			0c16678732be385c6951def9d1bd1698ab8e1fb7		

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

EXHIBIT D



07 JAN 2008

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application of	:	
Naicker et al.	:	
Application No.: 10/579,806	:	DECISION
PCT No.: PCT/IB04/04060	:	
Int. Filing Date: 10 December 2004	:	ON
Priority Date: 10 December 2003	:	
Attorney Docket No.: 06-361	:	PETITION
For: System For Playing A Bingo-Type Game	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 30 November 2007.

DISCUSSION

In a Decision mailed on 01 October 2007, the petition under 37 CFR 1.47(a) filed on 07 August 2007 was dismissed, without prejudice, because

The evidence presented tends to suggest that Mr. Govender may have refused to execute a declaration document after having been presented with the declaration and a copy of the application. However, while the various email communications appear to have been carried out by Ms. Tracey Clarke, petitioner has not provided a statement from her introducing the email evidence and attesting to the facts surrounding those communications, especially Exhibit G.

and because,

Regarding **requirement (3)**, the petition includes a statement of two last known addresses for Devan Govender. However, it appears that one of the addresses may be his permanent address and the other a temporary or holiday address. Insofar that the last-known address is used for purposes of providing notice of the filing to the non-signing inventor upon the grant of status under 37 CFR 1.47(a), a temporary address is inappropriate. Petitioner should clarify which address is in fact Mr. Govender's last-known permanent address.

In response, petitioner has provided a "Declaration of Tracey Clarke" clarifying the circumstances surrounding Mr. Govender's email dated 03 August 2007. Based on the totality of the evidence currently of record, it would be appropriate to conclude that Devan Govender has refused to execute the application within the meaning of 37 CFR 1.47(a).

In addition, petitioner has provided an indication of Mr. Govender's last known address. Therefore, all of the requirements of 37 CFR 1.47(a) have now been satisfied.

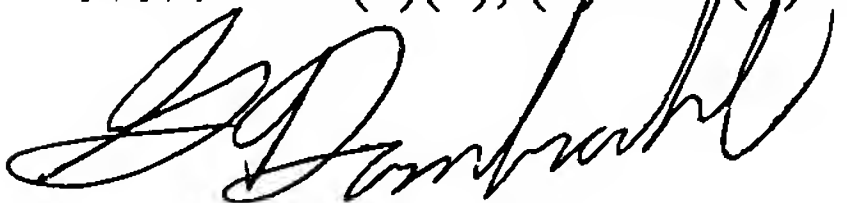
DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record.

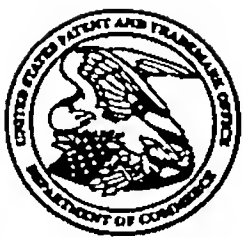
A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 August 2007**.



George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

07 JAN 2008



United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Devan Govender
1 Aqua Marina
1 Marine Drive
Umdloti 4350
SOUTH AFRICA

In re Application of
Naicker et al.
Application No.: 10/579,806
PCT No.: PCT/IB04/04060
Int. Filing Date: 10 December 2004
Priority Date: 10 December 2003
Attorney Docket No.: 06-361
For: System For Playing A Bingo-Type
Game

Dear Mr. Govender:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606



OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Devan GOVENDER) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/IB2004/004060 and was filed on December 10, 2004 in the names of Theo NAICKER, Tony YUNNIE, Jon HUTCHINGS and Devan GOVENDER for the invention entitled SYSTEM FOR PLAYING A BINGO-TYPE GAME. The national stage application number is 10/579,806 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of August 7, 2007.

EXHIBIT E



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/579,806		Theo Naicker	06-361

CONFIRMATION NO. 3623

20306
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

ABANDONMENT/TERMINATION LETTER



Date Mailed: 06/24/2008

NOTICE OF ABANDONMENT

Decision on Petition

The above-identified application is **abandoned** for failure to timely reply to the Decision on Petition mailed on .

If a complete reply to the petition decision was previously filed by applicant within the time period set forth in the petition decision, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

- 1.A properly itemized date-stamped postcard receipt (see MPEP § 503);
- 2.If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
- 3.If the reply was filed via "Express Mail," a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the "Express Mail" mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the petition decision, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571)-272-3282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

/tsirivongxay/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101